



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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**MEMO ENDORSED**

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**By Hand Delivery**

Hon. P. Kevin Castel  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 2260  
New York, NY 10007

RE: *S.E.C. v. Empire Development Group, LLC et al. (07 Civ. 3896 (PKC))*

Dear Judge Castel:

We represent Plaintiff Securities and Exchange Commission in the above-referenced action. As per this Court's order, a status conference is currently scheduled in this action for September 4, 2007. For reasons set forth, in part, in the Commission's July 31, 2007 and August 8, 2007 letters to this Court, the Commission wishes to move for summary judgment as soon as reasonably practicable.

The Commission understands this Court's rules to require a pre-motion conference before any party moves for summary judgment. In light of the considerable discovery already obtained by the Commission and the threat of further dissipation of what few Empire assets might have survived defendants' fraud, the Commission respectfully requests that the Court schedule such a conference at its earliest convenience. In the interest of efficiency, the Commission suggests that the already scheduled September 4, 2007 status conference in this matter might also serve as a pre-motion conference concerning a potential summary judgment schedule.